



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: **3012976**
 3014795
 3016104

Applicant Name: Kym Williams for Central Puget Sound Regional Transit Authority
 (“Sound Transit”)

Address of Proposal: **100 NE 103rd Street**
 10200 1st Avenue NE
 9560 1st Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an elevated light rail transit facility (Northgate Station): #3012976 – north station entry and below grade parking garage with 467 parking spaces. An additional 144 parking spaces to be provided at grade. Project includes a temporary construction staging area in the north portion of the site; #3014795 – south station entry; #3016104 – temporary staging and parking area in support of Link Light Rail construction, including temporary use of south retail building for construction offices. This action is covered under the Final Environmental Impact Statement (November 1999) and the North Link Final Supplemental Environmental Impact Statement (April 2006), which were prepared by Sound Transit pursuant to the State Environment Policy Act. Subsequently, the Federal Transit Administration issued the Record of Decision under the National Environmental Policy Act, which lists committed mitigation for this action.

The following approvals are required:

Essential Public Facilities – SMC Chapter 23.80

Temporary Use Permit – to support construction of a light rail transit facility pursuant to SMC 23.42.040 F.

SEPA - for conditioning only – SMC Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

BACKGROUND DATA

Site Description

Site A (#3012976, 301 NE Northgate Way) consists of one parcel located at the northeast corner of 1st Avenue NE and NE Northgate Way. This site is developed with the Northgate Shopping Mall, and currently is used as surface parking. Site B (#3014795, 10200 1st Avenue NE) consists of two parcels located on the east side of 1st Avenue NE, between NE 100th Street and NE 103rd Street. This site is developed with the Northgate Transit Center, and consists of a park-and-ride lot and a bus transit passenger load/unload area. Site C (#3016104, 9560 1st Avenue NE) consists of one parcel on the east side of 1st Avenue NE south of NE 100th Street. The site is developed with a one-story building containing 9,938 square feet. (Two other buildings on the site were recently demolished under MUP #3020963 as part of site preparation for temporary construction staging and parking.) These buildings were recently occupied with retail and service uses. Off-street accessory parking spaces are located between the buildings and 1st Avenue NE. Sites A and B are zoned Neighborhood Commercial 3 with a 125-foot height limit (NC3-125), and Site C primarily is zoned Neighborhood Commercial 3 with an 85-foot height limit (NC3-85), with a small area at the south end of the site zoned NC3-65. All sites are within the Northgate Overlay District. Steep slopes are present on Site A adjacent to 1st Avenue NE and NE 103rd Street; a steep slope exemption was granted during the ECA Slide review under Building Permit #6470080; Sites B and C do not contain any Environmentally Critical Areas (ECA).

Development and Zoning in the Vicinity

North of NE 100th Street, NC3-125 zoning extends north of the site to NE 105th Street and east to roughly midway between 3rd Avenue NE and 5th Avenue NE. South of NE 100th Street, NC3-85 extends east to 4th Avenue NE, and NC3-65 to the south and southeast. Nearby land uses include a variety of retail and office structures, including Northgate Mall to the north and northeast. Interstate 5 is located to the west of 1st Avenue NE; North Seattle Community College is located to the west of I-5, and zoned MIO-105-LR3.

Public Comments

The public comment period ended April 26, 2015. The Department received one comment, expressing concern regarding displacement of a business on Site C.

* Final Environmental Impact Statement (November 1999) and the North Link Final Supplemental Environmental Impact Statement (April 2006) prepared by Sound Transit.

PROJECT DESCRIPTION

The proposed development is for Central Puget Sound Regional Transit Authority's (Sound Transit's) proposed construction and operation of a north extension to its Central Link light rail project with the ultimate goal of providing urban transportation improvements in the Central Puget Sound Metropolitan region. North Link is a 4.3-mile light rail extension that would run primarily in twin-bored tunnels from the University of Washington to Northgate, with stations at the University District, Roosevelt, and Northgate. North of Roosevelt, the rail line will daylight at the Maple Leaf Portal (between I-5 and 1st Avenue NE at approximately NE 94th Street), approximately 0.6 miles south of the Northgate Station. At the Portal, the light rail track alignment will transition from underground to a combination of at-grade, retained cut and fill, and elevated structures.

Under this application, Sound Transit proposes to construct the Northgate Station. The elevated station will be located on the east side of 1st Avenue NE, spanning NE 103rd Street on Sites A and B. The station platform level is approximately 45 feet above grade at 1st Avenue NE and the Northgate Transit Center property to the south, and approximately 25 above grade at the Northgate Mall property to the north. Two station entrances are proposed: the North Station Entry will be located on Site A (Northgate Mall property), north of NE 103rd Street, and the South Station Entry will be located on Site B (Northgate Transit Center property), south of NE 103rd Street. Escalators, elevators and stairs will be provided at each station entrance. Exterior lighting and landscaping also will be provided at station entrances and elsewhere on the sites. Artwork at the station will improve the appearance and safety of the facility, give vibrancy to its public spaces, make patrons feel welcome, and provide wayfinding for riders.

Parking Garage on Site A

As part of the proposed development on Site A, a parking garage will be constructed and located immediately east of the proposed North Station Entry. Access to the garage would be from NE 103rd Street and 1st Avenue NE, as well as access from the Northgate Mall parking lot. The garage will be a joint use facility for transit and Northgate Mall patrons, with one level of surface (at-grade) parking and four levels of below-grade parking. The at-grade surface level will provide 144 parking stalls and will be reserved for Northgate Mall patrons. The four levels of below-grade parking will contain approximately 465 stalls and will be reserved for Sound Transit commuters. The surface area immediately to the north of the parking garage and North Station Entry will be resurfaced and paved for an additional 94 parking spaces for Northgate Mall patrons. The parking garage will replace 289 parking stalls which will be permanently removed at the Northgate Transit Center due to the construction of the new light rail station on Site B. Construction of the garage will involve excavation of approximately 89,000 cubic yards (CY) of material and approximately 12,000 CY of fill.

Site C

Site C would be used as an interim construction staging and parking area to accommodate the future construction of the light rail transit station and parking garage, and for the construction of other light rail facilities such as the aerial guideway and its structural support, trackwork, and systems installation. It is estimated that the construction staging area would stay in operation for approximately six years. As noted above, two buildings on Site C were demolished under a separate permit; the remaining building will be used as construction offices for the construction period. The area formerly occupied by the demolished buildings would be used for temporary parking of displaced parking stalls at the Northgate Transit Center on Site B.

ANALYSIS – ESSENTIAL PUBLIC FACILITIES

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

- 1. Inter-jurisdictional Analysis. A review to determine the extent to which an inter-jurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Northgate Link Extension light rail system is a component of the region's voter-approved Sound Move and Sound Transit 2 plans, Sound Transit's program for regional high-capacity transportation. As part of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line and the Supplemental Environmental Impact Statement for the Northgate Link Extension light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Northgate Link Extension light rail system is part of the expansion of the current system from Seattle north into Snohomish County, across Lake Washington into east King County, and south of Sea-Tac International Airport, to form a 55-mile regional Link light rail system. The overall design of the system was based on an inter-jurisdictional approach to transportation planning in the region.

- 2. Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.***

The Final Supplemental Environmental Impact Statement for the Northgate Link Extension Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

- 3. Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.***

It appears that Sound Transit is not a Special Purpose District. Nevertheless, the City has considered the Central Link and North Link Extension Rail Projects in their entirety. The City participated in preparation of the Sound Move and Sound Transit 2 plans and in the Final Supplemental EIS for the Northgate Link Extension Project and was actively involved in the siting decisions for the various segments of the Northgate Link Extension. As part of planning for the Northgate Link Extension project, including the Northgate Station that is the subject of this application, the City Council passed resolution 31465 (dated September 16, 2013) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T21 calls for the City to support the development of an integrated, regional high capacity transit system that links urban centers within the city and the region.

4. ***Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility***

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2006 Supplemental FEIS for the North Link Extension. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 B:

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2006 Supplemental FEIS for the North Link Extension. Please refer to the SEPA analysis included with this report.

23.80.004 C: Light rail transit facilities.

1. ***Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones and shoreline environments within the City of Seattle.***

The proposed light rail transit facilities are permitted in the underlying Neighborhood Commercial 3 (NC3) zone of the subject site areas.

2. ***The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 31465 (dated September 16, 2013) approving the alignment, transit station locations, and maintenance base location for the Northgate Link Extension project, including the Northgate station that is the subject of this application.

3. ***When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for at-grade, below-grade, or above-grade tracks and their supporting structures, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the construction of an elevated light rail transit station and an accessory parking garage. The project is an integral part of the overall transit system. Sound Transit issued a Supplemental FEIS for the proposed system in April 2006. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

- 4. *When approving light rail transit facilities, the Director may impose conditions to ensure consistency with design guidelines developed for the light rail system by the City and the applicant.***

The Light Rail Review Panel (LRRP) was established in 1998 with the express purpose of providing an integrated review of Sound Transit Link Light Rail by the City's Design, Planning, and Arts Commissions. The Panel is advisory to both Sound Transit and the City of Seattle. Its ultimate goal is to create a high quality light rail system for the City of Seattle and the region. The LRRP made design recommendations to Sound Transit to better achieve a design that enhances Seattle's civic identity. The Director of DPD did not develop Design Guidelines for the Northgate station.

Sound Transit presented the subject proposal before the Light Rail Review Panel (LRRP) on ten separate occasions from November 2011 to October 2015. At the March 6, 2014 meeting, the LRRP unanimously approved the 90% design of the station. They commended the resolution of the ground plane and the attention given to creating a rich, functional pedestrian environment, and applauded the development of the art. They requested that the design team return for administrative review of several items, including further refinement of the art lighting, design details for the north entrance, design of the structural overhang and its impact on the lighting of the clerestory artwork, and stairway access from NE 103rd Street to the north entry plaza. They also recommended that the team further refine the visual experience of the station, especially where it impacts the public realm at NE 103rd Street; ensure the north entry is commensurate in design and importance with the south entry; and resolve how the clerestory artwork is viewed and lit.

The LRRP unanimously voted to approve the design development phase of the parking garage on October 1, 2015, with the conditions that the design team further review the top floor design of the garage as it relates to the pedestrian and user experience along the right-of-way and Mall entrance, and that the team return to the Seattle Design Commission for an administrative review of the public artwork proposal. The LRRP also recommended that the design team continue to explore the structural material used to build the pedestrian bridge while taking safety and appearance into consideration, and continue developing the public artwork plan.

- 5. *The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:***

- a. is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or***
- b. will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or***
- c. will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted.***

Several components of the project design do not meet the underlying zoning development standards for structures in an NC zone: 1) width of blank facades; 2) distance of street-level street-facing facades from the street lot line; 3) transparency; 4) landscaping and screening standards; and 5) parking stall sizes. A waiver or modification of these development standards is requested as follows:

- 1) SMC 23.47A.008 A2 states that blank segments of the street-facing façade between two and eight feet above the sidewalk may not exceed 20 feet in width. It also states that the total of all blank façade segments may not exceed 40% of the width of the façade of the

structure along the street. On Site A, the south façade of the north station entrance is 38'7" in width, and is 100% blank façade. The south façade of the parking garage has a blank façade 159'5" in width, accounting for approximately 78% of the façade width. On Site B, the west façade of the south station entrance is 209'2" in width, and is approximately 48% blank façade. The north façade is 41' in width, and is 100% blank façade.

- 2) SMC 23.47A.008 A3 states that street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other improved landscaped or open spaces are provided. A minimum 14' wide sidewalk is planned except where guideway columns or other obstructions conflict. A minimum 10' sidewalk is planned at all points along 1st Avenue NE.
- 3) SMC 23.47A.008 B2 states that 60% of the street-facing façade between two and eight feet above the sidewalk shall be transparent. Dimension for transparent street-facing facades are identified above in blank façade information.
- 4) SMC 23.47A.016 D1 identifies landscaping and screening standards for surface parking areas. The required green factor is 0.30. The green factor for Site A is 0.294.
- 5) SMC 23.54.030 B2c requires a minimum of 35% of parking stalls be striped for small vehicles (7.5 feet by 15 feet) and a minimum of 35% be striped for large vehicles (8.5 feet by 19 feet). The proposed parking garage would provide spaces of a uniform size, 8.5 feet by 18 feet.

The south-facing façade of the north station entrance on Site A is a retained structure to support the station, 20' above. There are no occupied uses in this structure. The parking garage requires perimeter access to ancillary and mechanical space along the south edge of the structure. Location of the public stair and elevator on the southwest corner of the garage help mitigate the impact of the blank façade and lack of transparency on this building frontage. The south façade also will be screened by vertical aluminum fencing and gabion walls that will support foliage. A setback along this façade will accommodate an additional row of street trees. On Site B, ancillary spaces have been oriented to the north area of the plaza to provide an open and direct access to the station, and blank facades have been reduced by providing as many ancillary spaces as possible on the mezzanine. The location of ancillary areas are tied to service and maintenance access areas. Wider sidewalks were developed with the Seattle Department of Transportation to improve multimodal access and facilitate SDOT's Bicycle Master Plan in the Northgate area. The green factor has been maximized given the high volume of pedestrian activity expected at the North Station entry and program needs such as the King County-Metro bus stop, information kiosks, and new bus shelters. The parking stall size proposed for the garage meets the design requirements in Sound Transit's Design Criteria Manual, which were developed based on research of other similar transit facilities. It is expected that this proposed standard stall size will provide ease of operation of the garage, safe and efficient use of the garage by transit patrons, and minimize the loss of parking capacity that results when a large vehicle effectively parks on two small parking stalls. Waiver and modification of these development standards is appropriate to allow the siting and proper functioning of a light rail transit facility pursuant to SMC 23.80.004 C5.

6. *The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.*

No design guidelines were developed for this station or parking garage; however, the Light Rail Review Panel convened and reviewed both the station and the parking garage at 90% design. In

its 90% design meeting on the parking garage, the LRRP supported the design team's proposal regarding the treatment of the garage façade and increased setback, and agreed that the proposed design should be approved with the requested waivers.

7. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the Master Use Permit application.***

The applicant has obtained sufficient funding, including a Full Funding Grant Agreement from the FTA, to complete the work described in this application. The City's Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On April 14, 2010, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria. Additional documentation that Sound Transit has obtained sufficient funding to complete the work required to construct the Northgate Link Extension Project is provided in a letter from Joni Earl of Sound Transit to Peter Hahn of SDOT, dated June 21, 2011 (in project file).

DECISION – ESSENTIAL PUBLIC FACILITY

The Essential Public Facility application and development standard waiver requests are **APPROVED**.

ANALYSIS – TEMPORARY USE PERMIT

SMC 23.42.040.F states that "A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of subsection 23.42.040 F ..."

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

The City Council adopted Resolution No. 301465, on September 16, 2013, approving the alignment, station locations and maintenance base location for the Northgate Link extension project.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.

The proposed staging area will exist on Site C until the completion of the Northgate Station and operation of Northgate Link Extension light rail service, anticipated in 2021.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance

of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

This MUP application contains plans showing the general location and establishment of the temporary construction uses and facilities on Site C. Activities that can be expected to occur within the construction staging area include but are not limited to demolition of existing pavement; grading, excavation, and fill; delivery and storage of construction materials and equipment; access, egress, and storage of various types and sizes of vehicles; temporary construction contractor trailers/offices; and temporary storage of excavated soils. Additional activities that may occur in the construction staging area are identified in the Master Use Permit application for this project.

Surrounding land uses include a mix of retail, office, public transportation, and multifamily residential uses. Potential short term construction-related impacts and proposed mitigation measures specifically related to this project are discussed in the North Link FSEIS. Per the Record of Decision (ROD) issued by the Federal Transportation Administration in June 2006, Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people and businesses within the vicinity of the construction area. As part of this effort, Sound Transit recently has completed a Northgate Link Tunnel and Cross Passages Construction Outreach Plan, documenting steps to be taken to maintain a positive relationship with neighbors.

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Grading Code (SMC Chapter 22.170) and the Stormwater Code (SMC Chapters 22.800 through 22.808).

All daytime construction activities (7:00 a.m. to 10:00 p.m. Mondays through Fridays and 9:00 a.m. to 10:00 p.m. on weekends and legal holidays) are expected to comply with daytime sound level limits specified in Seattle's Noise Control Ordinance (SMC 25.08). The North Link FEIS concluded that, with mitigation, construction during the day would not exceed the noise levels in the Noise Control Ordinance. Noise mitigation measures may include, but are not limited to, noise walls, low-noise emission equipment, acoustic shields or shrouds for equipment, and lined or covered storage bins, conveyors, and chutes with sound deadening material. Nighttime construction activities are not anticipated at this site; however, there may be limited instances when short-term nighttime construction is necessary, such as large concrete pours or work that may impact local streets. Such nighttime work would require approval of a temporary noise variance by SDCI. Pursuant to the ROD, with regard to drainage, the Contractor will be required to comply with applicable Federal, State, and local laws, orders, and regulations concerning the prevention, control, and abatement of water pollution; and, the placement of temporary erosion control measures will comply with the standards adopted by the City of Seattle.

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

Any exterior lighting on the staging areas will be shielded and directed away from adjoining properties.

c. Best Management Practices. Construction activities on the site must comply with Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual.

Construction activities on the sites shall comply with the current Director's Rule on best management practices.

d. Parking and Traffic.

(1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

(2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.

Sound Transit has received a Project Construction Permit from SDOT that authorizes construction activity within the right-of-way for development of the Northgate Station and parking garage. As noted in this permit, Sound Transit and its contractor shall submit traffic control plans and haul route plans to the City's field representative to facilitate City review. Sound Transit is required to receive SDOT Traffic Operations' approval prior to commencing temporary lane closures, roadway closures, and material haul over City rights-of-way.

Approximately 429 parking spaces will be impacted during construction of the Northgate Station. 140 of these spaces have been temporarily displaced at two WSDOT park and ride lots located on the west side of 1st Avenue NE near NE 100th Street. These spaces have been temporarily replaced and relocated to a leased area at the southeast corner of Northgate Mall. 289 park-and-ride spaces at the Northgate Transit Center will be permanently displaced by construction of the Northgate Station. Replacement parking will be provided in the new accessory parking garage on Site A per the ROD mitigation requirement.

Sound Transit contract specifications require that the contractors will be responsible for providing parking areas for construction workers. There are several options available for the contractors to accomplish this: providing parking within limited areas of the construction staging areas, establishing satellite parking lots and shuttling workers to the construction site, and encouraging and/or providing incentives to construction workers to utilize carpools, vanpools and public transportation that lessen the demand for vehicular parking.

e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

A total of 13 businesses in the three retail/service buildings on Site C would be permanently displaced by the project. As noted above, two of these structures were demolished pursuant to MUP #3020963. Pedestrian and vehicular access to businesses within Northgate Mall will be maintained throughout the construction period. Signers and/or flaggers will be used, as needed,

on a daily basis. Sound Transit will be available for direct contact with all local businesses at all times, will provide advance notice of construction activities, and will work with local businesses to modify measures to limit disruption as much as possible during construction. To support these objectives, Sound Transit has developed a Northgate Link Tunnel and Cross Passages Construction Outreach Plan, as noted above.

- f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.*

Chain-link fences with gates for ingress/egress will be installed around the construction areas of Sites A, B, and C. All visitors will be required to register at the construction field office. Access to the construction staging areas will be strictly controlled.

- g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.*

Pedestrian access to buildings adjacent to the construction area will be provided. Site entrances to the staging areas are proposed to be located to minimize conflict with pedestrian and vehicle traffic. Chain-link fences are proposed around the construction areas of each site, and are expected to be adequate to appropriately screen construction activities, including storage areas, on the sites from surrounding streets and properties.

- h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a 24 hour phone number to seek additional information or to report problems.*

Sound Transit has established a multi-faceted community outreach program for the Northgate Link Extension Project. A monthly North Link e-newspaper is distributed to approximately 1,500 subscribers, and Sound Transit's website provides updated information on Northgate Link Extension events and construction schedule. A 24-hour construction hotline phone number also will be maintained for the duration of the construction. These and other elements are described in the Northgate Link Tunnel and Cross Passages Construction Outreach Plan.

- i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.*

Temporary construction management trailers that will be used on the sites are built to State of Washington Building Code and Labor and Industries Factory Assembled Structures (FAS) Department standards, and are constructed to withstand inclement weather. Building permits will be obtained by the contractor prior to their placement, and the trailers will be anchored to an approved temporary foundation.

- j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.*

Vibration impacts during construction were evaluated in the North Link SFEIS in Section 4.17. No significant vibration impacts from construction activities at the Northgate Station project sites were identified.

4. *Site Restoration.*

a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.

b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.

c. Site restoration must generally be accomplished within 180 days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.

Sound Transit shall provide a restoration plan to SDCI for review and approval, and shall restore the site within one hundred eighty (180) days after completion of systems testing.

5. A Master Use Permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

The applicant has obtained sufficient funding, including a Full Funding Grant Agreement from the FTA, to complete the work described in this application. The City's Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On April 14, 2010, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria. Additional documentation that Sound Transit has obtained sufficient funding to complete the work required to construct the Northgate Link Extension Project is provided in a letter from Joni Earl of Sound Transit to Peter Hahn of SDOT, dated June 21, 2011 (in project file).

DECISION - TEMPORARY USE PERMIT

The Temporary Use Permit proposal is **APPROVED**.

ANALYSIS – SEPA

Compliance with SEPA for this proposal was completed with the publication of the Central Link FEIS in November of 1999 and the North Link FSEIS in April 2006. Subsequently, on June 2006, the FTA issued the Record of Decision (ROD), which lists Sound Transit's committed mitigation for the North Link Project that includes this proposal. Sound Transit has lead agency status on this project, and the Director is using the November 1999 Central Link FEIS and the April 2006 North Link FSEIS. The proponent's MUP application's Section 6.6 provides a discussion about how the subject proposal complies with the SEPA requirements and Attachment C summarizes

applicable environmental mitigation measures contained in the ROD. Information in the EIS documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"[W]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

The Director hereby incorporates by reference the mitigation measures described in the Federal Transit Administration ROD for the North Link Light Rail Transit Project (June 2006) and mitigation measures included in Attachment C of the ROD. These mitigation commitments were identified in the North Link FSEIS. A summary of these mitigation measures is in the project file (Attachment C). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short-term Impacts

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates (dust) from excavation, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration; and,
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). In addition Federal and State regulations and permitting authority are effective to control short-term impacts on water quality. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts are further discussed below.

Air Quality

The indirect impact of construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves, result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and therefore air quality mitigation is not necessary.

Drainage and Earth

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of any required building permits or demolition permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic may increase congestion in the area. Sound Transit has received a Project Construction Permit from SDOT that authorizes construction activity within the right-of-way for development of the Northgate Station and parking garage. Sound Transit and its contractors will follow standard construction safety measures, such as installation of advance warning signs, highly visible construction barriers, and use of flaggers. Advance signs will be posted prior to construction in areas where construction activities would affect access to surrounding businesses. In addition, public outreach tools will provide information regarding street closures, hours of construction, business access, and parking impacts; these are documented in Sound Transit's Construction Outreach Plan for the Northgate Link project. Designated on- or off-street parking would be provided for construction workers, as practical, to minimize neighborhood parking impacts. These and other mitigation measures identified in the ROD and the conditions placed on the Project Construction Permit will reasonably mitigate short-term traffic and parking impacts.

Noise

Sound Transit anticipates that all construction activities related to demolition, site grading, and light rail station and parking garage construction will take place during daytime hours as defined in the Seattle Noise Ordinance (between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends). Noise levels are expected to comply with all Seattle Noise Ordinance requirements. If noise levels exceeds maximum standards specified in the Ordinance, the contractor will reduce these levels or stop the construction activity responsible for the noise. Potential mitigation measures to reduce noise levels are identified in the ROD, and could include back-up alarms, low-noise emission equipment, noise deadening measures for

truck loading and operations, and construction site noise barrier walls where practical. As noted in the Construction Outreach Plan mentioned above, Sound Transit will provide a 24-hour hotline number and community outreach staff contact information to affected neighbors. If nighttime construction is necessary, Sound Transit or the contractor will apply for appropriate noise variances from SDCI.

Long-term Impacts

Several long-term or use-related impacts are expected; these include air quality, demand for public services and utilities, height, bulk, and scale on the site, and traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. In addition, Sound Transit has briefed and incorporated input from multiple agencies and organizations including Seattle's Light Rail Review Panel to address and minimize long-term impacts of the project's scale. Regarding possible impacts to public services, such as fire/safety services, Sound Transit's Link Fire/Life Safety Committee, with representatives from SPD and SFD, has addressed and developed a plan to ensure safety and security for the project (FSEIS Section 4.13). Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts.

Air Quality

According to the North Link FSEIS, the project itself will not directly generate air emissions because the trains will be electrically powered. Greenhouse gas emissions would be reduced because fewer people would be driving during peak hours, since they would instead choose to commute by light rail. Also, please see Air Quality impacts discussion under Short-term Impacts, above.

Traffic and Parking

Vehicle trips are expected to increase in the vicinity of the Northgate Stations as drivers utilize the parking garage or drop off and pick up passengers. Traffic operational impacts are forecast at the intersection of NE Northgate Way/5th Avenue NE, which would operate at LOS F under both the No-Build and Build Alternatives in 2030. Sound Transit has identified, as a required mitigation measure, a fair-share contribution of costs to improve this intersection, based on the proportionate share of PM peak hour project trips to total trips traveling through this intersection.

Spillover parking impacts may be experienced by adjacent property owners, particularly the Northgate Mall. To mitigate this impact, Sound Transit has stated that signs will be placed at Northgate Mall to restrict use of Mall parking by light rail patrons. No additional mitigation of traffic or parking impacts is warranted.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the FEIS and FSEIS issued by Sound Transit and the NEPA Record of Decision. While SDCI has the authority to mitigate impacts pursuant to the city's SEPA practices, Sound Transit's proposed mitigation and existing City codes and regulations are adequate to achieve sufficient mitigation for the proposal's environmental impacts. Therefore, the proposal is **APPROVED with CONDITIONS**.

CONDITIONS - ESSENTIAL PUBLIC FACILITIES

NONE.

CONDITIONS - TEMPORARY USE PERMIT

NONE.

CONDITIONS – SEPA

The applicant (Sound Transit) shall:

Prior to Issuance of Certificate of Occupancy:

1. Based on SDOT planned improvements at the intersection of NE Northgate Way/5th Avenue NE, contribute a fair-share of costs to improve this intersection, based on the proportionate share of PM peak hour project trips to total trips traveling through this intersection. (P)
2. With the permission of the property owner, place signs at Northgate Mall to restrict use of Mall parking by light rail patrons. (C)

John Shaw, Senior Transportation Planner
Seattle Department of Construction and Inspections

Date: August 29, 2016

JS:rgc
3012976 (Northgate Sound Transit) decision.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.